

## ***FINAL MINUTES***

### ***Klamath Fishery Management Council Meeting October 17-18, 2001 Weaverville Victorian Inn Weaverville, CA Meeting #66***

#### **Wednesday, October 17, 2001**

9 a.m. Convene and Introduction of Members

#### **Representative Seat**

California Commercial Salmon Industry  
California In-river Sport Fishing Community  
California Offshore Recreational Fishing Industry  
California Department of Fish and Game  
Hoopa Valley Tribe  
National Marine Fisheries Service  
Non-Hoopa Indians Residing in Klamath Conservation Area  
Oregon Commercial Salmon Fishing Industry  
Oregon Department of Fish and Wildlife  
Pacific Fishery Management Council  
U.S. Department of Interior

#### **Members**

Dave Bitts  
Virginia Bostwick  
Paul Kirk  
Mike Rode (alternate)  
Mike Orcutt (alternate)  
Dan Viele, Chair  
Dave Hillemeier  
Keith Wilkinson  
Not represented  
Hans Radtke  
Phil Detrich

The following members were not present: Steve King of the Oregon Department of Fish and Wildlife (ODFW). The state of Oregon sent a letter explaining that, due to budgetary reasons, Steve King was unable to attend.

## **ADMINISTRATION**

### **Agendum 1. Review and approve agenda**

Members reviewed the agenda, and Keith Wilkinson asked that the conference call on the Klamath Basin mediation process be included in the agenda. It was determined that the Council should adjourn briefly during the conference call so that members that needed to participate in the call could do so. The following changes were made: Agendum 7 was moved to Thursday, October 18. Agendum 15 will include information from the evening Klamath Ocean Harvest Model (KOHM) session; Agendum 16 and 24 were deleted and a public comment period was added to the following day.

**Keith Wilkinson made a motion with Phil Detrich seconding.  
To approve the agenda as amended.  
The motion passed unanimously.**

### **Agendum 2. Review handouts**

Gary Curtis reviewed handouts. (*See List of Handouts*). He noted the new Task Force brochure developed by the YFWO. He also reviewed the list of motions from the April 2001 KFMC meeting.

**Assignment:** Staff will send handouts of the October KFMC meeting to Sam Sharr and Steve King, ODFW.

### **Agendum 3. Adoption of minutes from March and April 2001 meetings**

The adoption of the minutes was moved to Thursday to give members a chance to review the m. (*See Agendum 2, October 18*).

### **Agendum 4. Status of member appointments/reappointments**

Gary Curtis spoke on the status of KFMC membership and said that the group does not have a legitimate quorum of members. The charter also expired this year and due to delays in Sacramento and Washington, DC, has not reached the Secretary's office. He referred to two handouts (*See Handouts, Agendum 4*), including excerpts from the Klamath Act on membership/appointments, letters regarding the charter and the table of KFMC Member Reappointment Status. Members discussed the status of individual representative seats, and how to speed the reappointment process. Gary Curtis said the KFMC is a federal advisory committee and rules on KFMC appointments are clearly delineated in the Klamath Act. The issue of the non-Hoopa seat was discussed. Phil Detrich said the Service will request that the Department of the Interior (DOI) determine who will be the non-Hoopa representative. Dan Viele said that the Klamath Act was amended to provide for individual tribes to be represented on Task Force, but that was not done for the Council. Dan Viele said he would draft a letter regarding KFMC reappointments for review by members the following day. (*See Agendum 4 Continued, October 18*).

## **GENERAL**

### **Agendum 5. Klamath River Basin Fisheries Task Force update**

Keith Wilkinson and Paul Kirk gave a brief overview of Task Force meetings, held in August and September. It was noted that the Task Force was receiving fewer proposals for projects than in past years. The Task Force met jointly with the Hatfield Upper Klamath Basin Working Group to address issues arising from the Klamath Basin mediation process, and to discuss possible features of new legislation to address the problems of the entire basin. The Task Force refined the Karuk Tribe's list of proposed solutions to a variety of watershed and fish habitat issues, which was to be sent to the mediation judge and legislative representatives. Paul Kirk said there is a clear message that a joint upper-lower basin group is needed to bring all entities to the table. Mike Rode said there was no Bureau of Reclamation (BOR) representative at the October meeting and details of the Biological Assessment (BA) are unknown. He discussed the interim Biological Opinion (BO) that set Klamath River flows at 1300 cfs Oct. 1-Dec. 31. Mike Rode said Task Force member/Karuk Tribe representative Ronnie Pierce was awarded the Nathaniel Bingham Memorial Award for her work on restoration issues.

### **Agendum 6. Trinity Management Council update**

Mike Orcutt gave an overview of the Trinity Management Council (TMC). At the recent September meeting, an ad hoc subcommittee was formed to provide funding recommendations. TMC has \$10.5 million in funds; of that BOR funded \$7 million, U. S. Fish and Wildlife Service (USFWS) funded \$2 million and \$1.15 million came from California restoration funds. The judge issued a pre-injunction against the Record of Decision and proceedings, pending completion of the supplemental Environmental Impact Statement (EIS). Mike Orcutt said the EIS is costly and means less funding for creel census and

real-time monitoring on the Trinity. Dan Viele said the National Marine Fisheries Service (NMFS) wrote BOR advising them they need to consult with NMFS through Section 7 process on hatcheries funded by BOR.

#### **Comment**

- Mike Rode asked if consultations had been initiated on the Trinity River, and reminded members that in the BA process, the action agency is required to identify the potential effects of their actions on Essential Fish Habitat. If the action agency does not initiate that consultation, NMFS is supposed to notify them.
- Dave Bitts asked Mike Rode if the water coming out of the dams is an essential part of that habitat. Mike Rode said this water directly effects both quality and quantity of habitat.

#### **Agendum 7. Pacific Fishery Management Council update**

Hans Radtke discussed two current issues. The first was projection for Oregon Coastal Naturals (OCNs). He said this should be a large run, possibly up to 200,000. The second issue is the Alsea lawsuit; NMFS has not decided whether to appeal or ask for technical correction. The Pacific Fishery Management Council's (PFMC) stance is that it will work with Amendment 13 as it stands rather than go through amendment process again.

#### **Comment**

- Dave Hillemeier asked about the Amendment 13 process and was told that the PFMC will take the work group's report under advisement, but that their position is to continue as usual.
- Keith Wilkinson asked how the lack of current KFMC appointments affects the PFMC process for spring 2002 and was told the PFMC will make its decision based on what KFMC decides.
- Dan Viele said the status of the Technical Advisory Team (TAT) is another issue, as it makes important recommendations to KFMC. Hans Radtke said PFMC will continue working with TAT, but will rely on the Salmon Technical Team (STT) and the Scientific and Statistical Committee (SSC).

#### **Agendum 8. Status of Endangered Species Act (ESA) recovery planning in north central California**

Dan Viele said NMFS has appointed members for two California Technical Recovery Teams (TRT). Details of the joint meeting of the two TRTs, to be held Oct. 23-25 in Santa Cruz, will be available on their website. (*See Handout, Agendum 8.*) The teams will identify population and Evolutionarily Significant Unit (ESU) de-listing goals; characterize habitat/fish abundance relationships; identify the factors for decline and limiting factors for each ESU; identify early actions important for recovery; identify research, evaluation and monitoring needs, and serve as science advisors to groups developing recovery plans. Another TRT has been formed for the Central Valley, and members will be named soon.

#### **Agendum 9. Green sturgeon petition**

Dan Viele said on June 12 several groups requested that NMFS list American green sturgeon as an

endangered species. According to the petition, green sturgeon are now only found in the Klamath, Sacramento, and possibly Rogue rivers. NMFS has 90 days to accept the petition and one year (including the initial 90 day period) to decide whether to list. Dan Viele said he expects NMFS will accept the petition, and if so, to commence the status review.

### **Comment**

- Hans Radtke asked where green sturgeon are taken; Dan Viele said they are taken at the mouth of the Columbia and it is not clear whether those fish are the same population that spawns in the Klamath.
- Dave Hillemeier said gravid females have not been seen in the Columbia, but have been caught in trawl fishing along the coasts of Oregon and Washington. He mentioned his concerns that the petition described the Yurok fishery as a recent development, when in fact it has existed thousands of years.
- Dave Bitts asked whether green sturgeon aren't already protected and must be returned by ocean fishermen; Hans Radtke said in December 1997 the Oregon Fish and Wildlife Commission reduced the legal size limit from 48-72" to 43-66" for Oregon's ocean fisheries to match the size limit for green sturgeon else where throughout Oregon and Washington. Green Sturgeon landings are still lawful from ocean fisheries, but are currently at a very low level.

## **2001 MANAGEMENT SEASON**

### **Agendum 10. Retrospective on 2001 fishing season**

#### **Agendum 10A. Tribal harvest**

##### **Agendum 10 A-1. Review of the Hoopa Spring Chinook Fishery Management Plan**

Mike Orcutt said the tribe is looking at why the higher catch rates in the fishery were not reflected in escapement counts at the weirs. There was a moderate amount of adult mortality this year below the falls, but a preliminary biopsy did not reveal why the fish had died.

Mike Orcutt mentioned a successful cultural project conducted with a local school district to document methods used to construct a fish dam. He said the fish dam is not being used for harvest and is not blocking the river. Some fishing was done from dipnet platforms with about 100-200 fish taken. Mike said the Tribal Council decided not to pursue a spring chinook commercial harvest plan.

Dave Hillemeier then spoke on preliminary 2001 Yurok Weekly Spring Chinook Harvest. (*See Handout, Agendum 10 A.1*). The spring harvest was slow but picked up in July. There was a total of 18,563 spring chinook (until week of August 19) and a total of 30,022 fall chinook from August 19 to October 7, 2001. Because the estuary clogged, tribal members noticed unusual tasting fish for about three days. However, Mike Orcutt said this didn't hamper the Hoopa fishery.

##### **Agendum 10 A.2. Preseason notification of tribal harvest**

Dan Viele commended the Yurok Tribe for its letter notifying agencies of its intentions regarding the 2001 Klamath fall chinook salmon harvest. All tribes are encouraged to notify co-managers as to their proposed harvest.

## **Comment**

- Hans Radtke asked about price differences between spring and fall chinook. Dave Hillemeier said there are different marketing strategies for each and there is not a set price.
- Mike Rode asked if 18,563 fish was all-time high; Dave Hillemeier said it is definitely near the top. He added that there were 100% springers through mid-August. He was unsure why there were such low returns to the South Fork Trinity and Salmon River this year.
- Dave Hillemeier asked what happens if Tribes release conflicting preliminary harvest numbers and was told DOC will ask BIA to settle the issue. Dan Viele reiterated that the KFMC appreciates notification by the tribal fisheries of pre-season harvest, but that further discussion of tribal allocation should be discussed by KFMC.
- Dave Bitts asked about the large numbers of springers caught and what percentage of the escapement goes to the Trinity Hatchery. He was told the combined catch is three times the hatchery escapement. The numbers will be no greater than 20,000 fish from Junction City weir up; 7,000 fish will go back to the hatchery with 14,000 left for spawning.
- Dave Hillemeier said that 10,500 of the 18,000 fish were caught after August 4, pointing to an extremely late spring run. Dave Bitts said tag recoveries will reveal what percentage are fall/spring. George Kautsky said the TAT will be able to provide more information using breakouts from past years.

## **Agendum 10 B. River recreational**

Neil Manji reviewed the river recreational catch. He explained that the increased fish catch was due to the bigger run and the increase in catch limits from one to two fish per day. (*See Handout, Agendum 10 B. 1.*) Dave Hillemeier added that there was a rise in the numbers of adults caught and released, and fishermen were catching and released 20 fish a day at the mouth of the river. Steelhead fishing was excellent—13,000 compared to 5,800 last year.

## **Agendum 10 B.1. Review of the inseason predictor of river sport harvest**

Allen Grover described the development of the in-river prediction model, which predicted an additional 12,000 fish may be available in the river this year due to restrictions on ocean harvest. Dave Hillemeier said they did a good job on the model and that the Yurok tribe appreciated their efforts.

## **Agendum 10 C. Ocean commercial**

Allen Grover spoke on the California ocean commercial harvest, which was down significantly compared to last year's catch. The troll in California for 2001 was 7,159 compared to 15,700 last year; a northern shift in distribution and poor weather early in the season were reasons given. However, Oregon had one of the best years on record. (For example, Oregon's 2001 chinook catch was 227,074 compared to 89,400 last year; California's 2001 chinook catch was 184,259 compared to 403,900 last year.)

## **Comment**

- Hans Radtke asked how the effort changes with the price. Dave Bitts said people gear up based on last year's catch and will quit if the catch isn't there or the price is low. There is a price

forecasting in May/June, and that price fluctuates with fish size and port location.

#### **Agendum 10 D. Ocean recreational**

Allen Grover said California had a better year for chinook; the catch was 82,763 compared to 78,500 last year. This number increases by 10,000 if September figures are added. There wasn't a huge increase because of the 2-fish bag limit, however weights were up with a 20-pound average weight.

#### **Agendum 11. Klamath River escapement status**

Willow Creek, Shasta River and Bogus Creek weir numbers were discussed. Willow Creek weir to date saw 2,500 fish, compared to 3,100 fish last year. The CDFG is considering extending the weir's operations to November to increase numbers. Junction City is showing fewer fish than last year. The total spring chinook run on the Trinity River was 6,955. The Iron Gate hatchery fall chinook total was 5,399 fish returning, compared to 50,210 last year. However, there was a delay this year and it would be more appropriate to count again in two weeks. There have been no coho this year so far at Iron Gate; however, the steelhead count is up. Shasta River Weir showed a total of 8,453 fish so far and the weir will operate through November 15. At Bogus Creek Weir the total so far is 150, less than half the amount of last year.

#### **Comment**

- Keith Wilkinson asked about steelhead at Iron Gate and was told there is not a lot of information on true winter steelhead. Trinity and Iron Gate are getting steelhead up until March, which is very late.
- Dave Bitts commented that last year at Bogus Creek Weir there were only a few hundred fish at this same time, but the total was 40,000 by the end of the year. There are many areas below the Scott River with low water where fish are piling up.
- George Kautsky said the decrease in jacks is a discouraging trend at Willow Creek Weir and Iron Gate hatchery. The absolute number drives the model.

#### **Agendum 12. Sacramento River escapement status**

Allan Grover reported that the Central Valley hatchery run is small and late. Most numbers are down from last year, except for the spring numbers. (*See Handout, Agendum 12*). The fall-run upper Sacramento River carcass survey has just started and shows 80 heads per day this year compared to 300-400 heads per day for last year. The winter-run escapement is up with a final estimate of 7,500-10,000 fish based upon the carcass survey. The Coleman, Feather, Nimbus, Mokelumne and Merced hatchery numbers were discussed; the San Joaquin and American rivers carcass surveys do not start until mid-October.

#### **Agendum 13. Northern fisheries and escapement**

Keith Wilkinson gave a report from the Oregon Department of Fish and Wildlife. (*See Handout, Agendum 13*). There was a cumulative chinook harvest of 252,159 fish, compared to 110,892 in 2000 and 59,135 in 1999. The biggest landings were in Newport. On the recreational side, 25,026 total chinook were caught in 2001, compared to 23,914 in 2000 and 6,314 in 1999.

#### **Agendum 14. Public comment**

- Ed Dugan, resident of Willow Creek, agreed with Dave Hillemeier's statement that the area from Hawkin's Bar to Cedar Flat experienced an increase in spring-run salmon.
- Dennis Fox, resident of Bakersfield, made two announcements. He said Cal Fed is holding an environmental justice workshop and is selecting people to be on the panel. He said the State Water Plan ignores the watersheds and feeder streams. He also suggested that KFMC look at the effects of global warming on snow levels; the current thinking is that every degree of global warming causes the snow level to rise 500 feet.

#### **REPORTS FROM THE TECHNICAL ADVISORY TEAM (KRTAT)**

#### **Agendum 15. Status of the Klamath Ocean Harvest Model (KOHM)**

Michael Mohr, NMFS, and Allen Grover, CDFG, gave a detailed presentation of the revised KOHM by first explaining how it is used by the PFMC to forecast the management year. They pointed out that the purpose of the revisions is to put all the factors affecting the model predictions out where they can be seen, and to reduce bias in the model results. Their report covered 21 revisions to the KOHM, including the following:

- Extension of the base period from 1986-1990 to 1986 to the present,
- Explicit accounting of hook and release mortality and dropoff mortality,
- Monthly accounting of natural mortality rather than an annual pulse application,
- Explicit modeling of the contact rate as a function of fishing effort,
- Explicit partitioning of the KMZ data, estimates, and forecasts into two management areas: KO (CA-OR border to Humbug Mtn.) and KC (Horse Mtn. to CA-OR border), and
- Explicit partitioning of the SOC (Southern California) data, estimates and forecasts into two major port complexes: SF (Pt. Arena to Pigeon Pt.) and MO (Pigeon Pt. to Pt. Sur).

Michael Mohr explained the reasoning behind the decisions to separate accounting and modeling of sport and troll impacts in all KOHM areas and the decision to change partitioning of the KMZ and SOC. To explain the cohort analyses, he said it must be assumed that the natural mortality rates are similar to hatchery rates because these are the only figures available. CWT fish in the river are considered hatchery fish. Non-CWT production at the hatchery is counted as natural fish.

The new KOHM model will be presented to the Scientific and Statistical (SSC) Committee of the PFMC before the March/April PFMC meetings. Michael Mohr summed up his presentation by saying the revised model is much better than the old model.

#### **Comment**

- Dan Viele asked about the mathematical analysis. Allen Grover said this is a more flexible model. Michael Moore said the goal is to predict the season in an unbiased way by using the most informative data.
- Dave Hillemeier asked if KOHM would factor in an expanded fishing fleet; the response was yes.

- Paul Kirk complimented Michael Moore and Allen Grover on their work developing the new model.
- Dave Bitts asked if certain parts of the SOC are open or closed, does this mean the entire area is open/closed; the response was yes.
- Dave Hillemeier asked how the bubble fisheries can be accounted for and whether that would be considered an open day for the entire zone. Michael Moore clarified that a seasonal day opening in the entire area might draw more effort than only a sub-area opening. Dave Hillemeier also asked whether the extremely high values in Coos Bay were present in the old model. Michael Moore said they were and that the slope is a function of the distribution and catchability.
- Dan Viele said the intent each year is to make decisions about the number of effort days to open. Michael Moore reiterated that this is not the final model and that as new data comes in, this will be factored into the revised model. Dan Viele asked if the revised KOHM will be used in 2002. Michael Moore said yes but the team is still working on the contact rates and the effort-days-open relationship.
- Keith Wilkinson said the layman's view is one of abundance. Michael Moore said this is a cohort-based model that estimates the annual abundance.
- Paul Kirk clarified that this isn't going to cause recovery but will help develop a more precise planning process to estimate seasons. Although this revised model won't recover habitat, it may help access recognized available fish. He recommended using this model for the 2002 season.
- Dave Bitts said he was impressed by the amount of work that went into this revision, however, as a California troller, he is concerned with the SOC management lines and it is not clear that the new model will offer less restrictive seasons.
- Members discussed endorsing the revised model through the TAT, however, this led to a discussion of the lack of members serving on the TAT. It was decided to discuss this at more length the following day.

#### **Agendum 16. Public comment**

- Dennis Fox, citizen, showed photographs of Trinity Lake that is lacking vegetation because of fires and cuts; he said 200,000 acre feet of carryover has been lost. He mentioned LaGrange ditch in Weaverville dug 100 years ago for hydraulic mines that could now be used as a spawning creek. He criticized the Task Force as not being able to do more because its members belong to organizations that are contributing to problems such as sedimentation.

Recess



**October 18, 2001**

8 a.m. Reconvene. All members present except for ODFW representative.

**Agendum 15. Status of the Klamath Ocean Harvest Model (KOHM)/KFMC-endorsement of the revised KOHM (continued)**

Dan Viele said the revised KOHM model would be ready for use in the 2002 season. Members then discussed whether to approve the new KOHM model for review by the SSC and STT.

**Keith Wilkinson made a motion with Paul Kirk seconding.**

**That the KFMC endorses the current KOHM revision and will forward it to the SSC and STT for review and use as a tool in the development of the 2002 management season.**

**The motion passed unanimously.**

**Assignment: The KFMC Chair will write a general letter to the PFMC Chair before their November meeting expressing appreciation for the effort developing the revised KOHM document and stating that the TAT will continue to work on this document incorporating hindcasting and making further adjustments. The letter will also incorporate the KFMC's desire for the SSC to review this document in an appropriate timeframe for use as a tool for the 2002 management season.**

**Agendum 3. Adoption of minutes from the April and March 2001 meetings (continued)**

The following corrections will be added to the April minutes:

On pg. 5, Spring Chinook Management. Change Line 5 from "expressed concern that the weak stock in the South Fork Trinity would be negatively affected," to "expressed that the status of the South Fork Trinity River spring chinook is of concern." Change Line 6 from "...only 2%" to "...less than 5%." Change Line 7 from "The Yurok Tribe closes their fishery to protect natural spring chinook" to "The Yurok Tribe has observed partial closures to their fishery during several years to protect natural spring chinook." Change Line 13 from "currently taken in the fall chinook sport fishery" to "currently taken in the lower river spring sport fishery."

On pg. 7, change current sentence to "Dave Hillemeier said he had not brought the appropriate people to discuss the inter-tribal allocation, as he was unaware the subject would be raised."

**Keith Wilkinson made a motion with Dave Hillemeier seconding.**

**To approve the March and April 2001 meeting minutes.**

**The motion passed unanimously.**

**Agendum 4. Appointment status (continued)**

A draft letter to Governor Gray Davis was given to KFMC members for review. Changes were discussed and incorporated, and changes were made to create two additional letters. (*See Handout, Agendum 4, Letters.*)

**Keith Wilkinson made a motion with Mike Rode seconding.**

**To adopt the package of three letters regarding appointments to the KFMC. These three letters**

are being addressed to the California Governor, Secretary of the Department of Commerce and the Secretary of the Department of Interior.

The motion passed unanimously.

**Assignment:** Staff will make the revisions on the three letters regarding KFMC appointment letters.

Several other issues were discussed regarding appointments to the KFMC, including the non-Hoopa Indian seat and the role of alternates. Dave Hillemeier requested that the KFMC draft a letter stating the change in the status of tribal fishing rights and that the KFMC recognizes that tribal representation has changed. He said the language of the Act should be incorporated into the letter regarding Phil Detrich and the non-Hoopa representative and that a sentence should read, "It should be noted that since 1985 the non-Hoopa seat has been filled by an appointment from the Yurok Tribe, however, the non-Hoopa seat has not been appointed by the Secretary. Therefore we urge you to take action to fill these appointments as soon as possible."

**Assignment:** Staff will draft a letter to the Secretary of the Interior regarding the appointment to the non-Hoopa seat. The letter will be sent to KFMC members for review.

### **SPRING CHINOOK MANAGEMENT**

#### **Agendum 17. Report from the Technical Advisory Team**

George Kautsky, Chair, KRTAT and Hoopa Tribal Fisheries Department, reviewed the April KFMC assignments. He discussed the cohort reconstruction reviewed by the TAT, predicting an abundance for spring chinook. He also discussed the status of other spring chinook stocks done by NMFS and ODFW, and said a literature review on spring chinook was also underway. He reviewed graphs of impacts of Trinity River Hatchery (TRH) spring chinook. (*See Handout, Agendum 17*). He said the level of recreational fishery interest in spring chinook is unknown, however there is certainly a tribal interest. He also reviewed graphs outlining the ocean harvest, which showed the proportion of fish removed monthly divided by the starting ocean population size.

#### **Comment**

- Dan Viele asked about the support for this project on spring chinook. George Kautsky said TAT effort has been directed at the KOHM revision, and once that is complete, the issue of spring chinook can be addressed. Keith Wilkinson said spring chinook is a top priority.
- Dave Hillemeier said if TAT could use the cohort reconstruction for spring chinook data. Dan Viele also expanded on this topic and asked if the same methodologies could be applied to spring chinook, given that there is cwt information. George Kautsky said that this information could be used on the hatchery component but a status review needs to be done on the natural component.
- Dave Bitts asked about Salmon River springers and suggested using Trinity River springers as surrogates to better understand what is happening in the Salmon River. He asked if the later run in the Trinity River this year was typical. Dave Hillemeier said that it was an unusual event. Mike Rode said the potential miscounting of Salmon River spring chinook would have to be considered, as visual observation information can be misleading.
- Dave Bitts said he wants to be able to tell at a glance what kind of harvest rates there are for the

fish, but total population and spawner information is missing.

- Dave Hillemeier noted that in the in-river harvest graph only the cwt is identified above the Junction City weir.
- Dave Bitts said the 3-D matrixes don't include the two extreme cells in Oregon and SOC where most fishing now occurs and that the largest absolute number of ocean harvest occurred last year, but this is not reflected on the graphs. He asked if this would affect the results.
- Dan Viele asked why SOC not included; George Kautsky said he believes there wasn't much impact in that region but he will check on this.
- Keith Wilkinson asked about Rogue River information and was told this is not available yet but will be included. Hans Radtke asked if the KOHM model only addresses fall and not spring chinook and was told that is true.

#### **Agendum 18. The direction of the TAT**

Members discussed the level of participation in TAT. Dan Viele requested that members review their appointees' current level of participation. He said it is difficult to find technically competent people to be on the TAT and the spring chinook management plan requires technical expertise. Dave Hillemeier suggested hiring a full-time person for a spring chinook management plan. Keith Wilkinson said the Task Force's view is that this is a top priority but there is a lack of funds. It was suggested that the TAT make a presentation to the KFMC at the February meeting as to whether they can handle the spring chinook assignment. Dan Viele said the KFMC needs a list of pending issues for the TAT and their assessment of the priorities.

**Assignment: TAT will continue to work on the KOHM revision and report to the KFMC at the February meeting. In addition, the TAT will report to the KFMC on whether staff exists to work on the spring chinook issue.**

#### **MANAGEMENT ISSUES**

#### **Agendum 19. Tribal/non-Tribal harvest accounting**

Mike Orcutt spoke on this issue and suggested that Harvest Allocation Work Group (HAWG) look at the issue of tribal/non-tribal harvest accounting, and how shifting the harvest from ocean to inriver affects the overall non-tribal harvest and tribal/non-tribal share. He said it can drive the Tribal share down, and they have no control over the process.

#### **Comment**

- Dave Hillemeier suggested the HAWG address this at the February meeting.
- Dan Viele said that a significant proportion of age-4 fish could not be harvested in the ocean last year because of the ESA. The Fish and Game Commission shifted the harvest to in-river and lowered the total available harvest. The problem is when the transfer is so large, the in-river fishery can't harvest the fish. The PFMC needs to make a more realistic estimate of in-river so some fish are left in the ocean. Mike Orcutt said his concern was that the tribal fishery share not be reduced in

such instances. Mike Rode said the problem is when this is addressed after the allocation process. This was addressed early this year and did not reduce the tribal fishery; Mike Orcutt agreed.

- Mike Rode said the problem arises when the excess is passed from commercial fishery to ocean recreational to in-river sport. The ocean KMZ sport fishery did not receive more time on the water although there was a surplus of fish.

**Assignment to HAWG: HAWG will meet in February to address the tribal/non-tribal harvest accounting and the utilization of hatchery fish above I-5 and above the steel bridge on the Trinity River. The HAWG will meet February 20, 2002 from 3-6 p.m.**

#### **Agendum 20. ESA Requirements for 2002 chinook and coho harvest management**

Dan Viele said NMFS requested new FMEP for winter and spring chinook to allow more input in the management of listed species in the Central Valley. The BO is in place for winter chinook and an interim BO is needed while this is under discussion. The proposed harvest date is May 1, to reduce incidental take of winter chinook. Members commented on this issue. KOHM has inputs into winter chinook ocean harvest model. The Klamath fall chinook is used as a surrogate for coastal chinook. There is a cap of 17% on the ocean harvest but the percentage could change based on new exploitation rates from the revised KOHM.

#### **Comment**

- Dave Bitts asked if past exploitation rates will be revisited and asked if it was true that although the percentage may change, the numbers and amount of fishing wouldn't change. Dan Viele said yes to both questions.
- Dave Hillemeier said that if an error in the database caused old results to be wrong, then some change in the amount of fishing could occur.
- Dan Viele explained that despite the delisting of Oregon Coastal coho, he did not expect any changes in management on the Oregon coast.
- Dave Hillemeier asked why the winter chinook management would change; Dan Viele said the winter chinook plan would expire and another BO would be issued with more public and agency input this time.
- Mike Rode asked whether transboundary coho would be addressed. Dan Viele said yes.

#### **Agendum 21. Oregon Coastal coho delisting (Alsea Valley Alliance vs. NMFS)**

Dan Viele discussed Judge Hogan's September 10th decision on delisting of Oregon coastal coho. He clarified NMFS' 1993 decision that hatchery populations would not be listed unless they were critical to achieving recovery of wild populations. The court determined that the ESA does not permit population designations below the ESU level to be used. NMFS did not ask for a stay of the decision and is deciding whether to appeal. NMFS will revise the 1993 policy on hatchery stocks especially regarding risk assessment. He also explained that the 4d rule and a possible exemption of the ocean harvest from the take prohibition would allow hatcheries to operate.

**Comment**

- Mike Orcutt asked if Alsea is part of the SNOCC ESU and was told the decision only applies to Oregon coastal natural populations.
- Mike Rode said NMFS' BO on coho states that the entire ESU must be recovered not just the Klamath River populations.

**Agendum 22. Public comment**

- Peter Brucker of the Salmon River Restoration Council said he was glad that spring chinook is on the agenda. He suggested TAT coordination with the Task Force Technical Working Group (TWG) would be a good idea. He said they collect scale samples during their spring chinook surveys and give them to the Forest service.
- E.B. Duggan, Trinity River Fisheries Group, asked KFMC to write a letter to BOR regarding their October 15 date reducing river flows from 450 to 300 cfs. He explained that given a drought year, rains do not always occur on October 15, and BOR should institute a more flexible flow schedule. He was told that the Trinity Management Council was an appropriate forum for this discussion.

**Agendum 23. Review of motions and assignments**

Gary Curtis reviewed the list of motions and assignments. (*See Motions and Assignments*)

**Agendum 24. February meeting date/location, agenda items, etc.**

Dan Viele raised the topic of whether the KFMC should continue to meet if the appointments have not been made by the time of the next meeting. Phil Detrich said the Council's charter will be in place and the issue is whether or not we have a quorum of appointed members. He said DOI may tell us not to meet.

Members discussed the necessity of meeting on the Sunday prior to the March and April PFMC meetings. Upon further discussion it was decided to continue the Sunday meetings.

The next meeting will be February 20-21, 2002 in Eureka, CA. The HAWG will meet from 3-6 p.m. February 20, 2002. KFMC March and April meetings will be held on a Sunday. Agenda items were placed on the list for the February 2002 meeting. (*See Motions and Assignments*).

Adjourn

*Attendees*

***Klamath Fishery Management Council Meeting  
October 17-18, 2001  
Weaverville Victorian Inn  
Weaverville, CA  
Meeting #66***

**October 17**

Gary Curtis	KFMC staff
Allen Grover, TAT	California Dept. of Fish and Game
George Kautsky, TAT chair	Hoopa Valley Tribal Fisheries Department
Neil Manji	California Dept. of Fish and Game
Michael Mohr, TAT	National Marine Fisheries Service
Jennifer Silveira	KFMC staff
John Springer	Econews
E.B. Duggan	Willow Creek and Downriver Chamber of Commerce
Jim Waldvogel, TAT	Univ. of California Sea Grant
Desma Williams	Yurok Tribal Fisheries

**October 18**

Gary Curtis	KFMC staff; U.S. Fish and Wildlife Service
George Kautsky, TAT chair	Hoopa Valley Tribal Fisheries Department
Jennifer Silveira	KFMC staff; U.S. Fish and Wildlife Service
Neil Manji	California Dept. of Fish and Game
E.B. Duggan	Willow Creek and Downriver Chamber of Commerce
Jim Waldvogel, TAT	Univ. of California Sea Grant
Peter Brucker	Salmon River Restoration Council

***LIST OF HANDOUTS***

***Klamath Fishery Management Council Meeting  
October 17-18, 2001  
Weaverville Victorian Inn  
Weaverville, CA  
Meeting #66***

Agendum 3	Draft Minutes from Klamath Fishery Management Council Meeting March 4-7, 2001
Agendum 3	Draft Minutes from Klamath Fishery Management Council Meeting April 1-4, 2001
Agendum 3	Recommended edits to KFMC April 1-4 draft minutes from the Yurok Tribe
Agendum 4	Klamath Fishery Management Council, Member Reappointment Status
Agendum 4	Excerpt from the Klamath Act
Agendum 4	Draft letter to Governor Gray Davis, dated October 17, 2001
Agendum 8	Letter from NOAA, Two Technical Recovery Teams Appointed
Agendum 10 A	Hoopa Tribal Harvest 1998
Agendum 10 A.1	Hoopa Valley Tribe Fisheries Management Plan for Commercial Harvest of Spring Chinook Salmon on the Hoopa Valley Reservation 2001 (Draft)
Agendum 10 A.1	Preliminary 2001 Yurok Harvest
Agendum 10 A.2	Letter from Yurok Tribe, to Agencies Interested in Management of Klamath Basin Fall Chinook Salmon, dated June 1, 2001
Agendum 10 B	Fall Angler Harvest and Escapement Summary - Lower Klamath River 2001 Season, from CDFG Klamath River Project
Agendum 10 B.1	Memorandum from Klamath River Technical Advisory Team dated August 30, 2001. Review of: CDFG, August 16, 2001, An Inseason Recreational Chinook Harvest Predictor For the Klamath River Basin.
Agendum 10 B.1	Letter from the Yurok Tribe to CDFG and KFMC, Model for Predicting Recreational Harvest, dated October 12, 2001
Agendum 10 C, D	Status Report of the 2001 Ocean Salmon Fisheries off Washington, Oregon and California
Agendum 12	Sacramento/San Joaquin River Escapement Update

- Agendum 13            Reports of Preliminary 2001 Oregon Ocean Recreational Salmon Catch and Effort Estimates; and Preliminary 2001 Ocean Commercial Troll Salmon Catch and Effort Estimates, from Oregon Department of Fish and Wildlife
- Agendum 15            Klamath Ocean Harvest Model Revision Documentation Outline
- Agendum 17            Fishery impacts on Spring chinook

Informational Handouts

Letter from PacifiCorp: Response to Comments on Klamath Hydroelectric Project (FERC Project No. 2082) Relicensing First Stage Consultation Document

Letter from Oregon Department of Fish and Wildlife to Phil Detrich: October 2001 meeting of the Klamath Fishery Management Council, dated October 10, 2001

Newspaper article from the Times-Standard: Better Late Than Never, dated October 16, 2001



*ASSIGNMENT AND MOTIONS*

*Klamath Fishery Management Council Meeting  
October 17-18, 2001  
Weaverville Victorian Inn  
Weaverville, CA  
Meeting #66*

**Motions :**

October 17

Keith Wilkinson made a motion with Mike Rode seconding:

**To approve the agenda as amended.**

The motion passed unanimously.

October 18

Keith Wilkinson made a motion with Paul Kirk seconding.

**To endorse the current KOHM revision and forward it to the SSC and the STT for review and use as a tool in the development of the 2002 management season.**

The motion passed unanimously.

Keith Wilkinson made a motion with Dave Hillemeier seconding.

**To approve the March and April 2001 meeting minutes.**

The motion passed unanimously.

Keith Wilkinson made a motion with Mike Rode seconding.

**To adopt the package of three letters regarding appointments to the KFMC. These three letters are being addressed to the California governor, Secretary of the Department of Commerce and the Secretary of the Department of Interior.**

The motion passed unanimously.

**Assignments:**

**Assignments to Members:**

**The KFMC Chair will write a general letter to the PFMC Chair before their November meeting expressing appreciation for the effort in developing the revised KOHM document and stating that the TAT will continue to work on the revision doing hindcasting and making further adjustments.**

**The letter will also incorporate the KFMC's desire for the SSC to review this document in an appropriate time-frame for use as a tool for the 2002 management season.**

**Assignments to Staff:**

Staff will send handouts of the October meeting to Sam Sharr and Steve King, OFW.

Staff will make the revisions to the three letters regarding KFMC appointments.

Staff will draft a letter to the Secretary of the Interior regarding the appointment of the non Hoopa seat.

The letter will be sent to KFMC members for review.

**Assignments to HAWG:**

HAWG will meet in February to address the tribal/non-tribal harvest accounting and the utilization of hatchery fish above I-5 and above Indian Creek on the Trinity River.

**Assignments to TAT:**

TAT will continue to work on the KOHM revision and report to the KFMC at the February meeting. In addition, the TAT will report to the KFMC on whether staff exists to work on the spring chinook issue.

**FINAL AGENDA**

***Klamath Fishery Management Council Meeting  
October 17-18, 2001  
Weaverville Victorian Inn  
Weaverville, CA  
Meeting #66***

**Wednesday, October 17, 2001**

9 a.m. Convene Klamath Council meeting and introduce members.

**ADMINISTRATION**

1. Review and approve agenda.
2. Adopt minutes of March and April 2001 meetings.
3. Review handouts
4. Status of Member Appointments/Reappointments

**GENERAL**

5. Klamath Task Force Update
6. Trinity Task Force Update
7. Pacific Fishery Management Council Update
8. Status of ESA Recovery Planning in North Central California
9. Green Sturgeon Petition

Lunch

**2001 MANAGEMENT SEASON**

10. Retrospective on 2001 Fishing Season
  - 10 A. Tribal Harvest
    - 10 A.1. Review of the Hoopa Spring Chinook Fishery Management Plan
    - 10 A.2. Preseason notification of Tribal Harvest
11. Klamath River Escapement Status
  - 10 B. River Recreational
    - 10 B.1. Review of the inseason predictor of River Sport Harvest
  - 10 C. Ocean Commercial
  - 10 D. Ocean Recreational
12. Sacramento River Escapement Status
13. Northern Fisheries and Escapement
14. Public Comment

**REPORTS FROM THE TECHNICAL ADVISORY TEAM (KRTAT)**

15. Status of the Klamath Ocean Harvest Model (KOHM)

## 16. Public Comment

Recess

**Thursday, October 18, 2001**

8 a.m. Reconvene

15. Status of the KOHM (Continued)
2. Adopt minutes of March and April 2001 meetings (Continued)
4. Status of Member Appointments/Reappointments (Continued)

## **SPRING CHINOOK MANAGEMENT**

17. Report from the Technical Advisory Team
18. Direction of the TAT

## **MANAGEMENT ISSUES**

19. Tribal/Non-tribal Harvest Accounting
20. ESA Requirements for 2002 Chinook and Coho Harvest Management
21. Oregon Coastal Coho Delisting
22. Public Comment
23. Review of Motions and Assignments
24. February Meeting Date/Location/Agenda, etc.

Adjourn